

REMARKS

Applicants submit this Supplemental Amendment in response to the Interview Summary mailed April 20, 2007.

I. Supplemental Amendments

Applicants' representative, Melissa A. Beede, conducted a telephone interview with the Examiner on April 4, 2007. Applicants summarized the substance of the telephone interview in the Amendment dated April 20, 2007.

Subsequently, Applicants received the Interview Summary mailed April 20, 2007 in which the Examiner suggests that the recitation "at least one variable portion" be replaced with "variable portion" (along with other proposals) to overcome the prior art of record. Although such a change was discussed during the interview, Applicants' representative had understood that the claims would be placed in condition for allowance by making the changes discussed in the Amendment dated April 20, 2007.

To advance this application toward allowance, Applicants have made this additional change suggested by the Examiner. This amendment has been made to satisfy the Examiner's concern relating to the interpretation of this language¹, is not intended to limit the claims or distinguish over the prior art in any way.

¹ In particular, the Examiner alleged that in the recitation of:

"at least one variable portion, **the at least one variable portion** being comprised of one or more bits which were previously fixed and used to represent information identifying an item and not to represent any detectable environmental or physical condition, wherein **the at least one variable portion** has at least one of a variable content and a variable length and represents, at least in part, at least one detectable environmental or physical condition associated with the at least one item"

the first reference to "the at least one variable portion" could be interpreted to refer to a first variable portion and the subsequent reference to "the at least one variable portion" could be interpreted to refer to a second variable portion different from the first variable portion. Applicants respectfully maintain that such an interpretation is improper (as the references clearly refer back to the same "at least one variable portion"). Nevertheless, Applicants have amended to the claims in an effort to advance the application towards allowance by adopting the suggested amendment.

II. Response to Interview Summary

Applicants would like to clarify an apparent discrepancy in the Interview Summary mailed April 20, 2007. In particular, Applicants' representative understood from the telephone interview of April 4, 2007 that the Examiner considered claim 41 to distinguish over the prior art of record. The Interview Summary, however, indicates that the Examiner suggested incorporating the limitations of claims 6 and 7 into "each of the independent claims."

Applicants assume this is a mere oversight. However, if Applicants' representative has misunderstood the Examiner, an additional telephone interview is respectfully requested to discuss the claim.

CONCLUSION

The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the application in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: 5/4/07

Respectfully submitted,

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